

EXHIBIT **22**
DATE **3/19/07**
SB **300**

Testimony of Steve White
SB300
March 19, 2007

Dear Madam Chair Rice and Members of the House Judiciary Committee,

Please accept this letter, with attachments, into record regarding my opposition to SB300.

I regret that I was unable to attend the important hearing on SB300 to personally testify. I intended to take personal time to attend the hearing, but my fiduciary duties as Gallatin County Commissioner prevented me from attending.

My testimony is not against seat belts, but against government to create laws that penalize innocent citizens who are operating their vehicles in a perfectly safe manner.

I use my seatbelts. I drive with my headlights on. (I also wear a helmet when skiing, kayaking, climbing, biking, rollerblading and cycling)

Seatbelt Usage has Saved Lives, and Seatbelt Usage Have Taken Lives

In the Fall of 1997, my 16 year old son and wife were driving West out of Bozeman on the Huffine (major highway to Four Corners), when a DUI driver pulled on to the highway in front of them. His actions resulted in a head-on collision that totaled our van and could have killed my wife and son, had they not been belted in.

I am a proponent of wearing seatbelts. But still, there are times when seatbelt usage fails. My close friend John was killed by a seatbelt in 1990. A white cross, representing his death, can be seen near the Toston exit, just North of the bridge over the Missouri River. In the Fall of 1990, John (a federal employee) was returning to Helena from Bozeman in a government station wagon. He had just finished crossing the bridge (heading North), when an approaching southbound pickup, pulling a flat bed trailer, veered in front of his car, back into the pickup's lane. The trailer did not make it completely into its lane and ended up hooking the driver's side of John's car, near the hinge of the driver's door.

The result of this action was the entire side of the car was instantly pulled to the rear bumper area. With the side of the car, went the driver's doorpost that his chest harness was attached to. The chest belt instantly compressed John's chest and ruptured his aorta. John died within a minute. John was survived by his wife and 5 children.

Not all drivers are required to wear seatbelts (61-9-409 MCA)

If this law were enacted, and two cars pass by a patrolman: the first is a 1967 pickup, and the second a 1997 pickup, with neither driver strapped in; only the driver of the 1997 vehicle would be cited. Why? Because the earlier vehicle was built prior to 1973, thereby exempt (61-9-409 MCA). Though neither driver was being reckless, one would

receive a ticket, and one would not - simply because the age of the vehicle and not due to the way he was driving.

Our present law was specifically written and passed as a 'secondary offense'

In 1987, when Senator Halligan originally introduced SB 111 to create requirements for wearing seat belts, the legislature passed it on the condition that citations could only be given if another offense were committed. (transcript attached). And now 20 years later we are revisiting the statute and adding more teeth. This is in complete conflict with the original intent of the 1987 session.

Seatbelt laws can be abused

I am a firm believer that government cannot legislate intelligence. In many instances there have been abuses in the enforcement of laws such as this. As an example, in 2002 a driver in Bozeman was taken to jail for a seatbelt violation (attached article). In Texas several years ago a mother was hauled off to jail after being pulled over driving slow in a subdivision with her children (attached article). She appealed to the US Supreme Court and ultimately lost. In LA, minorities claim that states that allow local police to stop drivers for not wearing seatbelts promotes racial profiling (attached article).

And in 2002, the Pentagon was called into action in assisting law enforcement in checking for seatbelt usage (article attached).

States with Secondary Seatbelt Laws do well

Only 26 states have primary seatbelt laws. Comparing seatbelt usage in primary and secondary states, it is clear that the usage follows similar patterns. There are primary states that still have usage less than secondary states (attached). This is simply due to the public demonstrating personal responsibility by buckling up. In fact, even though Montana is 'only' a 'secondary' state, its usage has exceeded or equaled the national average use rate for a number of years.

A recent study of seatbelt usage revealed that Arizona with a secondary law matched a primary state Oregon with an astounding 95% usage (2005). The citizens of Arizona did not need a primary law to improve their usage.

Summary

Do we need more laws? Are we able to legislate intelligence? Where does it stop? Should we pass laws against having only one hand on the wheel, opening the glove box, talking with people in the back seat, etc..? Should we even develop safety laws for

our homes - an annual government inspection of our homes for fire extinguishers, outlets for safety caps, or lamps for bad wiring, etc..

Montana does not need a change in our statute. It is clear that Montanans are responsible drivers. In summary, I agree with the platform of the Montana Republican Party:

"We support the concept of individual responsibility that each person is solely responsible for his or her actions. We oppose laws that would change Montana's seatbelt law from a secondary offense to a primary offense. Montana drivers should be punished for driving in a reckless manner, and not because the driver was driving in a safe manner, without wearing a seatbelt."

Please vote NO on SB300. Thank you for considering my testimony.

Table: Seat Belt Use in States, U.S. Territories, and Nationwide, 2000-2006 (As of 12/19/06)

State or U.S. Territory	2000	2001	2002	2003	2004	2005	2006	Reduction in Nonuse 2005-2006
Alabama	70.6%	79.4%	78.7%	77.4%	80.0%	81.8%	82.9%	6%
Alaska	61.0%	62.6%	65.8%	78.9%	76.7%	78.4%	83.2%	22%
Arizona	75.2%	74.4%	73.7%	86.2%	95.3%	94.2%	NA	NA
Arkansas	52.4%	54.5%	63.7%	62.8%	64.2%	68.3%	69.3%	3%
California	88.9%	91.1%	91.1%	91.2%	90.4%	92.5%	93.4%	12%
Colorado	65.1%	72.1%	73.2%	77.7%	79.3%	79.2%	80.3%	5%
Connecticut	76.3%	78.0%	78.0%	78.0%	82.9%	81.6%	83.5%	10%
Delaware	66.1%	67.3%	71.2%	74.9%	82.3%	83.8%	86.1%	14%
Dist. Of Columbia	82.6%	83.6%	84.6%	84.9%	87.1%	88.8%	85.4%	-30%
Florida	64.8%	69.5%	75.1%	72.6%	76.3%	73.9%	NA	NA
Georgia	73.6%	79.0%	77.0%	84.5%	86.7%	89.9%	NA	NA
Hawaii	80.4%	82.5%	90.4%	91.8%	95.1%	95.3%	92.5%	-60%
Idaho	58.6%	60.4%	62.9%	71.7%	74.0%	76.0%	79.8%	16%
Illinois	70.2%	71.4%	73.8%	80.1%	83.0%	86.0%	87.8%	13%
Indiana	62.1%	67.4%	72.2%	82.3%	83.4%	81.2%	84.3%	16%
Iowa	78.0%	80.9%	82.4%	86.8%	86.4%	87.1%	89.6%	19%
Kansas	61.6%	60.8%	61.3%	63.6%	68.3%	69.0%	73.5%	15%
Kentucky	60.0%	61.9%	62.0%	65.5%	66.0%	66.7%	67.2%	2%
Louisiana	68.2%	68.1%	68.6%	73.8%	75.0%	77.7%	74.8%	-13%
Maine	NA	NA	NA	NA	72.3%	75.8%	77.2%	6%
Maryland	85.0%	82.9%	85.8%	87.9%	89.0%	91.1%	NA	NA
Massachusetts	50.0%	56.0%	51.0%	61.7%	63.3%	64.8%	66.9%	6%
Michigan	83.5%	82.3%	82.9%	84.8%	90.5%	92.9%	94.3%	20%
Minnesota	73.4%	73.9%	80.1%	79.4%	82.1%	83.9%	83.3%	-4%
Mississippi	50.4%	61.6%	62.0%	62.2%	63.2%	60.8%	73.6%	33%
Missouri	67.7%	67.9%	69.4%	72.9%	75.9%	77.4%	75.2%	-10%
Montana	75.6%	76.3%	78.4%	79.5%	80.9%	80.0%	79.0%	-5%
Nebraska	70.5%	70.2%	69.7%	76.1%	79.2%	79.2%	76.0%	-15%
Nevada	78.5%	74.5%	74.9%	78.7%	86.6%	94.8%	NA	NA
New Hampshire	NA	NA	NA	49.6%	NA	NA	NA	NA
New Jersey	74.2%	77.6%	80.5%	81.2%	82.0%	86.0%	90.0%	29%
New Mexico	86.6%	87.8%	87.6%	87.2%	89.7%	89.5%	89.6%	1%
New York	77.3%	80.3%	82.8%	84.6%	85.0%	85.0%	83.0%	-13%
North Carolina	80.5%	82.7%	84.1%	86.1%	86.1%	86.7%	88.5%	14%
North Dakota	47.7%	57.9%	63.4%	63.7%	67.4%	76.3%	79.0%	11%
Ohio	65.3%	66.9%	70.3%	74.7%	74.1%	78.7%	81.7%	14%
Oklahoma	67.5%	67.9%	70.1%	76.7%	80.3%	83.1%	83.7%	4%
Oregon	83.6%	87.5%	88.2%	90.4%	92.6%	93.3%	94.1%	12%
Pennsylvania	70.7%	70.5%	75.7%	79.0%	81.8%	83.3%	NA	NA
Rhode Island	64.4%	63.2%	70.8%	74.2%	76.2%	74.7%	NA	NA
South Carolina	73.9%	69.6%	66.3%	72.8%	65.7%	69.7%	72.5%	9%
South Dakota	53.4%	63.3%	64.0%	69.9%	69.4%	68.8%	71.3%	8%
Tennessee	59.0%	68.3%	66.7%	68.5%	72.0%	74.4%	78.6%	16%
Texas	76.6%	76.1%	81.1%	84.3%	83.2%	89.9%	90.4%	5%
Utah	75.7%	77.8%	80.1%	85.2%	85.7%	86.9%	88.6%	13%
Vermont	61.6%	67.4%	84.9%	82.4%	79.9%	84.7%	82.4%	-15%
Virginia	69.9%	72.3%	70.4%	74.6%	79.9%	80.4%	78.7%	-9%
Washington	81.6%	82.6%	92.6%	94.8%	94.2%	95.2%	96.3%	23%
West Virginia	49.8%	52.3%	71.6%	73.6%	75.8%	84.9%	NA	NA
Wisconsin	65.4%	68.7%	66.1%	69.8%	72.4%	73.3%	75.4%	8%
Wyoming	66.8%	NA	66.6%	NA	70.1%	NA	63.5%	NA
Nationwide	71%	73%	75%	79%	80%	82%	81%	-6%
Puerto Rico	87.0%	83.1%	90.5%	87.1%	90.1%	92.5%	92.7%	3%

Note: Rates in jurisdictions with primary belt enforcement during the calendar year of the survey are shaded.

For questions regarding the above reported data, contact Donna Glassbrenner at 202-366-3962, or Jianqiang Ye at 202-366-3603. This issue of Crash•Stats and other general information on highway traffic safety may be accessed online at www-nrd.nhtsa.dot.gov/departments/nrd-30/nscsa/AvailInf.html

MINUTES OF THE MEETING
PUBLIC HEALTH, WELFARE & SAFETY COMMITTEE
MONTANA STATE SENATE

February 9, 1987

The meeting of the Senate Public Health, Welfare and Safety committee was called to order by Chairman Dorothy Eck on February 9, 1987, at 1 P.M. in Room 410 of the State Capitol.

ROLL CALL: All members of the committee were present.

FURTHER CONSIDERATION OF SENATE BILL 111: Senator Norman explained the amendment to the bill, which he had requested. This amendment states that a police officer may not stop a driver for being in violation of the seat belt requirement (section 3), but may be stopped for another violation and then checked for seatbelts. Sen. Rassmussen stated that the original language intended for the bill was to have been like the amendment. Sen. Jacobson stated that it is done like this (like the amendment) in other states, but that it was the intention of the seat belt coalition to make it a primary offense to encourage people to comply with the law. Karen Renne stated that Sen. Halligan, sponsor of the bill, did not favor the amendment. Mona Jamison, lobbyist for the Seat Belt Coalition, stated that states that make the non-wearing of seatbelts a secondary offense find that the strength of the law is diluted and the benefits of saving lives and preventing injuries are lessened. The amendment received a DO PASS. See the attached roll call vote. The amendments requested by the sponsor of the bill were discussed next. Sen. Jacobson explained that delaying the effective date allows for the opportunity to educate the public before the law takes effect and that this was done with the child restraint law and worked well. Mona Jamison stated that many senators had told Senator Halligan that \$25 was too high a fine and that \$20 was better. Senator Halligan felt the \$5-\$10 was too low. Senator Williams moved the amendments. Senator Meyer proposed that the fine be amended to \$10, stating that the state charges only \$5 for exceeding 55mph. Senator Jacobson reminded the committee that the fine for violating the child seatbelt restraint law is \$25. Sen. Rassmussen commented that a \$10 fine guts the bill.

Sen. Williams questioned in Section III if the penalty is assessed just once against the driver or if it totals the number passengers not wearing seatbelts. Karen Renne clarified that just the driver is responsible for himself and all passengers and that just one fine is paid by the driver.

Senator Meyer's amendment was defeated with Senators Himsl, Norman, and Meyer voting yes, all others voting no. The second set of amendments were voted on and received a DO PASS, with Senator Meyer voting no.

The amendments from the Trial Lawyers Association were then discussed; and Karen Renne noted that Sen. Halligan does not object. Sen. Jacobson stated that the same amendments were proposed for

CHRONICLE

TUESDAY, AUGUST 13, 2002

50 Cents

A6 BOZEMAN DAILY CHRONICLE, Tuesday, August 13, 2002

Police reports

The Bozeman Police reports for Monday included the following:

■ A man driving near the intersection of Main Street and Third Avenue was pulled over at 12:30 a.m. Monday. He was arrested and taken to jail on a warrant for failing to pay an old ticket for not wearing his seat belt.

■ A man was pulled over at 1:50 a.m. Monday on the 100 block of North Seventh Avenue for having one headlight out. He was cited for driving with a suspended license, and released because the jail was full.

■ Four men were cited for criminal trespass early Sunday morning after climbing around on the roof of the Bozeman Hotel. Before being cited, two of the men fell 35 feet from the building's highest roof to a lower roof and were taken by ambulance to Bozeman Deaconess Hospital where they were treated and released.

■ A caller on the 1200 block of South Fifth Avenue reported Sunday that a car had been

Correction policy

The Chronicle promptly corrects substantial factual errors. To report an error, call managing editor Bill Wilke or city editor Karin Ronnow at 587-4491.

p.m., SOB Barn, MSU campus call Michael Holland for information, 587-1815.

Bozeman Quilter women interested 587-2165.

Bozeman P
"Little Ones"
rytime for r
5, stories,
moveme
a.m., 58

Boz
and S
a.m.;
10:3
p.m.

F

Jail gets reduced price tag

Cost of detention center lowered to \$13 million

By NICK GEVOCK
Chronicle Staff Writer

The \$18.3 million jail that was soundly rejected by Gallatin County voters in July, could be built for \$5.3 million less, a citizen's group appointed to design a new jail has concluded.

The Gallatin County Detention Center Project Team, five residents who crafted the newest jail plan, wrote in a letter that the county could build a 72,000-square foot jail for \$13 million.

But the team did not put a number of beds on the proposal.

"The specifics of the detention center (bunk capacity, amenities, etc.), and allowances for future growth can be discussed and determined after the vote for the bond has passed," team members wrote.

County commissioners passed a nonbinding resolution last September to put the team's proposal to build a 144-bed jail on South 16th Avenue for \$18.3 million before voters this fall. That's the same price and jail design voters rejected in July by a 73-to-27 percent margin. That citizen initiative, however, called for the jail to be built on land the county owns on Oak Street.



Powered by clickability

Police to step up seat belt checks for holiday

WASHINGTON (AP) --During the busy Thanksgiving travel week, police will be looking out for motorists who are not wearing seat belts.

More than 12,000 law enforcement agencies are participating in the stepped up enforcement of seat belt laws.

In the campaign that runs from Monday through December 1, officers will set up checkpoints, increase highway patrols and ticket drivers who do not buckle up or properly restrain children.

The Pentagon is joining the effort this year because men age 18 to 25 make up a large percentage of military personnel and are less likely to buckle their seat belts. The National Safety Council says more military personnel are killed in crashes than in combat and training combined: 321 in traffic accidents, fewer than 250 in training and fighting.

"We don't leave our young servicemen and women on the battlefield, and we shouldn't leave them on the highway either," said Gen. James Jones, commandant of the Marine Corps, the branch with the highest death rate.

Copyright 2002 The Associated Press. All rights reserved. This material may not be published, broadcast, rewritten, or redistributed.

Find this article at:

<http://www.cnn.com/2002/TRAVEL/11/24/seatbelt.checks.ap/index.html>

☐ Check the box to include the list of links referenced in the article.

Police power at issue

Supreme Court to decide case of Texas arrest

AUSTIN, Texas (AP) — Gail Atwater's slow drive down a dusty Texas road has taken her all the way to the U.S. Supreme Court.

She was arrested, handcuffed and locked in a jail cell in 1997 — because she and her two children weren't wearing seat belts while riding in the family pickup truck.

That family drive has become a challenge of the power of police. The Supreme Court will hear arguments Monday from lawyers for Atwater and the city of Lago Vista on whether her arrest violated the Constitution's Fourth Amendment, which bans unreasonable arrests and searches.

"Our lives would have been much better if we would have just swallowed it," Atwater said. "We're not anti-cop ... (but) this is about reining the cops in and how far cops can intrude in our lives."

The court's ruling could affect just about anyone with a driver's license, said Atwater's attorney, Robert DeCarli.

"Every driver, if they get caught committing a traffic violation, they expect to get a ticket. Nobody expects to be handcuffed and taken to jail," DeCarli said.

Atwater, 48, was driving her children, Mac and Anya, who were then 4 and 6, home from soccer practice when she was stopped by Lago Vista police officer Bart Turek.

According to Atwater, a toy had fallen out of the pickup and she had unbuckled everyone's seat belts so they could look out the windows for it. She was driving at only about 15 mph on an otherwise deserted road when



Gail Atwater, left, poses with her two children Anya, center, and Mac, Nov. 30, 2000, at her home in Lago Vista, Texas. The 48-year-old soccer mom was jailed in 1997 because she and the children did not wear seat belts while riding in the family pickup truck.

Turek came along and stopped her.

Atwater could not produce her driver's license and proof of insurance. She said her purse had been stolen.

She said Turek yelled "You're going to jail!"

"I can't tell you enough how horrible it was for my kids," Atwater said.

It was not their first encounter. Turek had pulled her over once before when he thought her son was not belted in, but he didn't give her a ticket that time because the boy was, in fact, wearing a seat belt.

This time, Turek took Atwater to the police station while a friend took the children.

She was booked and placed in a holding cell for about an hour before posting \$310 bail. She later pleaded no contest to three seat belt violations and paid a \$50 fine for each, along with a \$110 towing fee on her pickup.

Under Texas law, a police officer is allowed — but not required — to arrest someone for a seat belt violation. The offense does not carry jail time.

Atwater complained to the

city and asked for her \$110 back, but when she got no satisfaction she and husband Mike Haas sued the city, Turek and police Chief Frank Miller.

"All I wanted was to rein this guy in, and get reimbursed the money for towing the truck," Atwater said. She said she never asked for an apology. "I knew they wouldn't do that. That would be an admission of guilt."

A federal district judge first dismissed the case. A three-judge panel of the 5th U.S. Circuit Court of Appeals sided with Atwater but the full 17-judge court later reversed that ruling. Atwater is asking the Supreme Court to let her lawsuit proceed. She has the support of the Texas office of the American Civil Liberties Union.

"The fear of minor traffic offenses that don't even have jail terms does not outweigh the right to be left alone," said Will Harrell, executive director of the ACLU office in Austin.

Federal and state attorneys filed briefs in support of Lago Vista, a town of about 2,500 people located 15 miles northwest of Austin.

"The state of Texas has a very significant interest in making sure that toddlers are wearing their seat belts so they won't be harmed or killed in accidents on Texas highways," said state First Assistant Attorney General Andy Taylor.

Bill Krueger, the lawyer defending the city and police department, has said the officer's actions were reasonable and constitutional. He would not discuss the case with The Associated Press.

Lago Vista Mayor Dennis Jones wouldn't comment. Turek is now a Williamson County sheriff's deputy. It was a career move for Turek and he wasn't asked to leave, Jones said.

In addition to the \$110 towing fee, Atwater and her husband, an emergency room doctor, are seeking attorneys fees. They have spent about \$110,000 fighting the case, sold their house in Lago Vista and borrowed money from their parents.

"We've had more marital fights over whether to go forward with this thing. He's the one staying up all night and watching the money go to lawyers," Atwater said.

Can your customers place orders online? **GO!** **Get MSNBC Business News** **MORNING DELIVERY**

MSNBC **News**

News
Business
Sports
Local
Health
Technology
Living + Travel
TV News
Opinions
Weather
Shop MSNBC
MSN.com

No seat belt? You can be handcuffed




PLAY VIDEO ▶

April 24 -- The U.S. Supreme Court ruled police have the power to arrest and jail people, even for violations that only carry fines. NBC's Pete Williams reports.

Gail Atwater, a 48-year-old soccer mom, was jailed in 1997 because she and the children did not wear seat belts while riding in the family pickup truck.


NBC NEWS AND WIRE REPORTS

WASHINGTON, April 24 — In a surprise ruling, the Supreme Court is siding with the police in the case of a motorist who was thrown in jail for not wearing a seat belt. The justices ruled Tuesday that police have the power to make arrests and put people in jail for misdemeanors that are punishable only by a fine, and not by jail time. Civil liberties groups say this will lead to more police abuses.

▶ **COMPLETE STORY** ▶

ADVERTISING ON MSNBC

Do any of these people look familiar?



CLASSMATES.COM



FACTS ABOUT STATE MANDATORY SEAT BELT LAWS

By William J. Holdorf

1. While the use of a seat belt has saved some people in certain kinds of traffic accidents, **there is ample proof that in other kinds, some people have been more seriously injured and even killed only because of seat belt use.** In the latter case, such injuries and deaths are not given the same degree of publicity, if any, as given when people are supposedly saved by seat belt use. Such bias in compiling traffic accident data exaggerates the so-called benefit of seat belt laws which misleads the public into thinking that seat belt use automatically means safety; non-use automatically means death in all kinds of accidents, which is false.
2. In spite of the fact the government is forcing the use of a device that can be injurious and even lethal in certain situations, **the government refuses to be held financially responsible for such injuries or deaths.** Instead, the government expects the injured or survivors of those killed to obtain financial satisfaction from their own savings, or insurance, or by suing the auto makers.
3. There is ample proof that some people in certain kinds of traffic accidents have survived only because a seat belt was not used – injured, perhaps, but not dead. **Such persons, by law, are subject to a citation and a fine for not dying in the accident.**
3. **If a person is killed while using a seat belt, law supporters claim the accident was so severe, not even a seat belt could have saved the person.** Actually, that might be true in some cases, but the severity of an accident is never a factor in compiling a list of persons killed while not using a seat belt, which, again, adds to the bias in traffic accident data in support of seat belt laws.
4. Evidence of seat belt use increasing injuries or causing a person's death in certain kinds of traffic accidents is well documented in the hundreds of successful lawsuits filed against the auto makers since the advent of seat belt laws in 1985. **Court ordered settlements and punitive damage awards forced the auto makers to pay hundreds of millions of dollars to the injured or survivors of those killed as a result of the failure of the seat belt to save as promised.** Some lawsuits were settled out of court which sealed the evidence of seat belt design defects from the public, including other lawyers with similar cases.

5. Hundreds of thousands of autos, vans and light trucks have been recalled as a result of discovering defects in certain seat belt designs after the fact, which means the motoring public has been forced by law to become unwilling guinea pigs, unlike how all other products in the marketplace are treated. In a letter published in the September/October 1990 edition of *AAA World*, a publication of the Chicago Motor Club, Jerry Curry, NHTSA Administrator, said: *We opened 213 new defect investigations in 1989, the highest one-year figure in the agency's history. A total of 6.8 million vehicles were recalled that year, a million more than the national average.* While Mr. Curry did not say how many such recalls involved seat belt defects, such recalls, again, reflect how the public is being used as guinea pigs for automotive products.

5. There is a body of law that states a person has the right to refuse any personal health care device, drug, treatment, or surgery, even if such refusal might result in an earlier death or an increase in medical expenses. **All seat belt laws, therefore, violate a person's right to freely choose to use or not to use a "health care" seat belt harness.** Any medical professional attempting to do the same would be prosecuted, yet politicians claim they can ignore the law while demanding strict compliance from the private sector.

6. In 1991 the U.S. Supreme Court confirmed the right to determine one's personal health care standard in the Johnson Controls case. Also, a federal appeals court upheld a \$100,000 award in 1993 to a 320 pound woman who sued the state of Rhode Island for refusing to hire her back to work unless she lost weight. The federal Equal Opportunity Commission had earlier ruled obesity a protected right under the Act, and the court agreed even though obesity is a self-inflicted health hazard and causes more premature deaths each year than highway fatalities.

7. While there is extensive publicity always given those who support seat belt laws, research published **by independent** professionals, which challenges the 'benefit' of seat belt laws, is never printed in the national news media, thus the public is denied the right to know there is a legitimate contrary side to the seat belt law controversy.

8. At one time, it was the same with air bags until one investigative reporter decided to start printing the truth about air bag dangers in certain kinds of traffic accidents. The bureaucrats in the U.S. Dept. of Transportation were so adamant against telling the public about such dangers, which the public had

a right to know, the reporter had to use the Freedom of Information Act to force the government to release its own documented records of air bag injuries and deaths.

PRIMARY ENFORCEMENT STATES

The insidious nature of seat belt laws is shown even further in states with primary enforcement of the law. The following is what can happen in states with primary enforcement:

- 1. Your vehicle can be stopped anytime, day or night, by the police merely under suspicion a seat belt is not being used.** And even if mistaken, once the vehicle is stopped the officer can begin routine interrogation and testing – force occupants to exit – visually check out the contents of the inside of the vehicle looking for any kind of a violation of the law, all without the right of legal counsel; all under the pretense of not using a seat belt.
- 2. Primary enforcement encourages an increase in random roadblocks.** In a 1994 statewide campaign, North Carolina conducted 2,038 roadblocks in two weeks under the pretext of checking for seat belt use. In spite of further use of random roadblocks that year, which the governor boasted increased seat belt use to 80%, total highway fatalities actually increased in the state for 1994 over the record of each of the preceding 3 years.
- 3. If not using a seat belt, you could be stopped for a minor traffic violation** that otherwise would be ignored if using a seat belt. You may also be targeted because of a bumper sticker, your license plate, your age, race, or gender. Primary enforcement opens the door for police harassment, intimidation and profiling. Young people, women, and minorities are vulnerable, especially when traveling alone and at night, or in certain neighborhoods.
- 4. You are subject to an officer's misinterpretation of your answers, your attitude,** or what the officer sees in your vehicle. You could become the victim of a corrupt act, such as the planting of drugs in your vehicle by an officer. You could be accused of using drugs because the cash in your possession has the odor of drugs. Officers can confiscate your cash and your vehicle if there is some drug residue without proving you know about or caused the residue to be there. Courts have recognized that most currency in circulation has some discernible drug residue. It is reported that 80% of the assets confiscated by law enforcement do not lead to a

criminal charge, but only a small percent is ever returned, which further violates the Bill of Rights. Confiscation of assets has become a very lucrative business for some police agencies and offers big incentives to increase roadblocks and speed traps.

5. Some states issue a seat belt violation fine against the driver even if the driver is using a seat belt but a passenger is not, and even if the driver did not know about it. Drivers, therefore, could easily become distracted while driving by a constant watch of passengers, both adults and children in the rear seat.

6. Primary enforcement is an easy way to enhance state revenue through fines. Also, additional income comes from the federal government in the form of grants to pay the police to enforce the seat belt law. Such grants are used by the police as overtime pay while enforcing the seat belt law, which is why the police support primary enforcement laws. Also, such lucrative overtime pay helps relieve pressure for a police salary increase. And in some areas where job performance standards include a citation quota, seat belt violations offers easy compliance.

7 Some insurance companies target seat belt violations as an excuse to increase rates even for drivers without an accident record, yet there is no proven correlation between non-seat belt use causing accidents. In fact, even if you habitually use a seat belt but forget just once, that might be the time an officer stops your vehicle, thus your driving record is unjustly marred.

8. Some states level points against a driver's license for not using a seat belt in addition to a fine, which means a person is being punished twice for the same offense, another violation of the Constitution. Also, it means a driver's license could eventually be suspended for repeated offenses even if the driver has been a careful driver for years with no accident or traffic violation.

9. If you are medically exempted from seat belt use, your vehicle could still be stopped since an officer cannot know until you are stopped. This applies to drivers who are using a seat belt but a passenger not using one because of an exemption. Even with a medical exemption, once the vehicle is stopped, the officer can still begin a routine interrogation, testing and visually looking for any kind of a violation of the law. Persons with medical exemptions are also subject to being stopped repeatedly during any travel route by other police along the way. Also, providing an officer with your confidential medical records and exemption is a violation of your right of privacy.

boston.com

THIS STORY HAS BEEN FORMATTED FOR EASY PRINTING

House, in dramatic reversal, votes against primary seat belt bill **AP** Associated Press

By Steve LeBlanc, Associated Press Writer | May 23, 2006

BOSTON —The Massachusetts House, in a dramatic reversal, voted Tuesday to kill a controversial seat belt bill that would have allowed police to pull over drivers and cite them solely for not wearing seat belts.

Police can now cite drivers for not buckling up only if they pull them over for some other reason.

The 80-76 vote is an about-face for the House, which had voted to approve the bill in January by a narrow 76-74 margin. The Senate backed the bill by a wide margin after debating it last week.

The vote to reject the seat belt bill comes just days before one of the busiest driving weekends of the year and in the midst of a "click it or ticket" public education effort designed to encourage drivers to buckle up.

Supporters of the so-called "primary seat belt" bill say it will save dozens of lives and spare hundreds from serious injuries. Opponents argue it will increase the power of the state and erode the civil rights of minority drivers.

Rep. James H. Fagan, D-Taunton, said backers of the bill relied on "false statistics, meaningless dribble" to argue in favor of the bill.

"Let's put this bill to rest with all the other myths and fairy tales," he said.

Rep. Michael E. Festa, D-Melrose, said the bill simply allows the police to better enforce the state's existing law requiring seat belts.

"Either we have faith in the law enforcement community to carry out the law properly or we don't," Festa said. "We will save lives. We will save and prevent tragedies."

Rep. Richard Ross, R-Wrentham, said as a funeral director he was called to the scene of many accidents where people died because they weren't using their seat belts.

In one case, he said a mother not wearing a seat belt died when she was ejected from the car, but her child in the car survived because she had taken the time to buckle him in. He said the accident showed that a decision not to buckle up affects more than just the driver.

"When you see an accident like this and you see an 8-year-old victim who has lost his mom and then offer the argument that that person's choice effected no one but themselves is absolutely ludicrous," he said.

The House initially indicated it might reconsider the vote, then voted against reconsideration, killing the bill for this session.

At least four lawmakers changed their vote on Tuesday compared with the January vote.

Reps. Robert Coughlin, D-Dedham, Jeffrey Perry, R-Sandwich and Kathi-Anne Reinstein, D-Revere all changed their vote from "yes" to "no." Rep. Emile Goguen, D-Fitchburg, changed from "no" to "yes."

Perry said he changed his mind after listening to constituents and reflecting on his own political views. He said he supports seat belt use, but described his vote as a vote for personal responsibility and against big

government.

Calls to the other three lawmakers were not immediately returned Tuesday.

Today's vote was a final procedural vote to enact the bill before shipping it back to the Senate for that chamber's final vote. At that point the bill would have gone to Gov. Mitt Romney's desk. A chamber typically doesn't reverse itself during the final enactment vote.

Romney had indicated support for the bill.

It's not the first time the House has moved against primary seat belt legislation. The House deadlocked on a similar bill in 2001, with a 76-76 vote, and in 2003, with a 73-73 vote.

The number of Massachusetts drivers who buckle up has risen over the past five years, but the state still ranks near the bottom of seat belt usage nationally. Twenty-two other states have primary seat belt laws.

In 2000, 50 percent of Massachusetts drivers and passengers wore seat belts, compared with 64.8 percent last year, according to National Highway Traffic Safety Administration statistics. Nationally, seat belt use overall was a record 82 percent in 2005. ■

© Copyright 2006 The New York Times Company